

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MAINE

U.S. DISTRICT COURT
DISTRICT OF MAINE
PORTLAND
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2021 OCT -5 P 3: 33

U.S. Bank National Association, as trustee
On behalf of the holders of the Asset
Backed Securities Corporation Home
Equity Loan Trust, Series NC 2005-HE8,
Asset backed Pass-Thru Certificates,
Series NC-2005-HE8

DEPUTY CLERK

Civil Action No.: 2:21-cv-00208-JAW

Plaintiff(s)

v.

Eric Richmond a/k/a Eric H. Richmond
And CitiMortgage, Inc., f/k/a Citicorp
Mortgage

DEFENDANT'S MOTION TO STRIKE
PORTIONS OF THE COMPLAINT
PURSUANT TO FRCP 12(F)

Defendant(s)

NOW COMES Defendant, Eric Richmond, hereby moving to strike portions of the
complaint pursuant to Fed. R. Civ. P. 12(F).

As grounds therefore, Defendant states the following:

1. Plaintiff Complaint was filed on July 30, 2021.
2. Complaint asserts that Plaintiff is in possession of an assignment of mortgage to
U.S. Bank National Association dated April 18, 2012 (Complaint EXH D).
3. Said assignment of mortgage is purportedly from a company, New Century
Mortgage Corporation (NCMC) that held no assets whatsoever as of August 1,
2008.
4. On November 20, 2009, the Delaware Bankruptcy Court entered an Order
confirming the Modified Second Amended Joint Chapter 11 Plan of Liquidation

(the "Modified Plan") (D.1. 9905). The Modified Plan adopted, ratified and confirmed the New Century Liquidating Trust Agreement, dated as of August 1, 2008, which created the Trust and appointed the Trustee, removed all officers and transferred all NCMC assets to a liquidating trust leaving nothing to assign some 1,373 days later on April 18, 2012.

5. Such a patently impossible assignment of mortgage should be struck as irrelevant, inflammatory, scandalous and illegal.

WHEREFORE, Defendant respectfully requests that this Honorable Court strike Complaint Exhibit D, an impossible, if not illegal, April 18, 2012 Assignment of Mortgage and Complaint Paragraphs 10, 14, 15, 22, 23, 24, 25, 26, 28, 34, 37, 42, 43, 45, 50, WHEREFORE(e, g, h, n, p) which reference the impossible, if not illegal, April 18, 2012 Assignment of Mortgage.

Signature : Eric Richmond
Eric Richmond, Defendant
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Date: October 4, 2021